

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**COMMITMENT TO
EXCELLENCE, INC.**

PLAINTIFF

V.

NO. 4:23-CV-160-DMB-DAS

**KAPPA MU MU CHAPTER
OF OMEGA PSI PHI
FRATERNITY, INC.**

DEFENDANTS

ORDER

On Thursday, August 17, 2023, Commitment to Excellence, Inc. (“CTE”) filed a verified complaint in the United States District Court for the Northern District of Mississippi against Kappa Mu Mu Chapter of Omega Psi Phi Fraternity, Inc. Doc. #1. The same day, at approximately 4:30 p.m., CTE filed an “Urgent and Necessitous Motion for Temporary Restraining Order and to Set Hearing for Preliminary Injunction and Memorandum Brief in Support Thereof.” Doc. #3. Regarding the request for a temporary restraining order, CTE specifically seeks:

a temporary restraining order restraining, enjoining, and prohibiting Kappa Mu Mu, and its agents and employees, and all those acting in concert with it from using, printing, copying, or distributing in any manner the CTE Mark or any other name confusingly similar to the CTE Mark, including “Seersucker and Sundresses,” in connection with its scheduled August 19, 2023 event or at any other time in the future until final adjudication of this action.

Id. at 16. The next day, CTE filed a notice “withdraw[ing] its request for an emergency hearing on its motion for a temporary restraining order.” Doc. #6.

Because CTE withdrew its request for an emergency hearing as to the part of its motion seeking a temporary restraining order and because the date of the event at issue has passed, the

Court deems the motion to no longer concern an urgent and necessitous matter.¹ In violation of Local Rule 7(b)(2)(B), the motion exceeds four pages, and includes legal arguments and citations to case law and other authority. Due to these procedural deficiencies,² the motion [3] is **DENIED without prejudice.**

SO ORDERED, this 21st day of August, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ Since the motion is no longer urgent and necessitous, the Court deems it now subject to this Court's standard motion rules.

² The Clerk of the Court notified CTE of such on August 18 at approximately 10:10 a.m. and instructed CTE to refile the motion. CTE has not done so. Regardless, because CTE requests a temporary restraining order without notice but failed to include its *counsel's written certification* of any efforts made to give Kappa Mu Mu notice of such request and the reasons why such notice should not be required—particularly when CTE apparently had the contact information for persons associated with Kappa Mu Mu as reflected by the exhibits attached to the motion—the motion is also properly denied for this reason as well. *See* Fed. R. Civ. P. 65(b)(1)(B).